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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,791	05/24/2001	Kenton T. Davis	025220.411A-US02	9440

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WASHINGTON, DC 20004-2401

EXAMINER

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/30/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.  
09/863,791

Applicant(s)  
Davis et al.

Examiner  
Kenneth R. Coulter

Art Unit  
2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 4, 2003 (papers #13, 14; Amendment B; Terminal Disclaimer).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kasrai (U.S. Pat. No. 5,970,120) in view of Wagner (U.S. Pat. No. 5,905,908).

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2.1 Regarding claim 1, Kasrai discloses a method for developing a core set of messages for an element management system for a telecommunications network, comprising the steps of:

reviewing (testing) telecommunications network management functions (Abstract);

selecting the basic telecommunications network management functions (Abstract; Fig. 2; col. 5, lines 1 - 40); and

creating an element-independent (generic) telecommunications network management message, in a common telecommunications management message protocol, for each selected telecommunications management function (Abstract; Fig. 2; col. 5, lines 1 - 40).

However, Kasrai does not explicitly disclose a network elements but discloses a generic provisioning protocol that allows receipt of messages.

Wagner teaches an **open network** for supporting I/O operations for **non-standard I/O devices**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement generic provisioning protocol with regard to I/O devices because this is implicit in Kasrai.

2.2 Per claim 2, Kasrai teaches that more than one of the plurality of telecommunications network elements are manufactured by different manufacturers (col. 5, lines 5 - 9).

2.3 Regarding claim 3, Kasrai does not explicitly disclose that more than one of the plurality of telecommunications network elements are different equipment types.

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Wagner discloses an open network system that promotes compatibility between different equipment types.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement compatibility between different equipment types because Kasrai implies this feature because of the different users that may communicate (MCI, Spring, AT&T, and GTE, and other telecommunications companies) (col. 5, lines 5 - 9).

2.4 Per claims 4 - 21, the rejection of claims 1 - 3 (paragraphs 2.1 - 2.3) applies fully.

*Response to Arguments*

3. Applicant's arguments filed 4/4/03 (Amendment B; paper #13) have been fully considered but they are not persuasive.

Applicant argues that neither Kasrai nor Wagner are related to managing telecommunication network element devices.

Examiner disagrees.

Examiner points to "Telecommunications network 100 includes a service management system 102 that interfaces with a plurality of service control point systems or service control points (SCP) 103 and a plurality of signal transfer point systems or signal transfer points (STP) 106" (col. 4, lines 28 - 32).

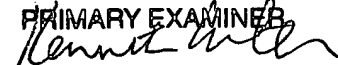
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*Conclusion*

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Coulter whose telephone number is (703) 305-8447.

KENNETH R. COULTER  
PRIMARY EXAMINER  


krc

July 27, 2003